

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DYNAMIC MACHINE WORKS, INC.

Plaintiff,

vs.

Civil Action No. 04-10525-WGY

MACHINE & ELECTRICAL
CONSULTANTS, INC.,

Defendant.

AFFIDAVIT OF JEFFREY D. CLEMENTS

I, Jeffrey D. Clements, being duly sworn, state as follows:

1. I am an attorney admitted to practice in the U.S. District Court for the District of Massachusetts, among other courts, and am a partner in the law firm of Clements & Clements, LLP in Boston, Massachusetts. I represent the defendant Machine and Electrical Consultants, Inc. ("MECI") in the above-captioned action. I have personal knowledge of the matters stated herein.

2. Keith R. Jacques is a partner in the Saco, Maine law firm of Smith, Elliot, Smith & Garmey, and has been admitted as counsel in this matter *pro hac vice*.

3. On September 20, 2004, Mr. Jacques took the depositions pursuant to Federal Rule of Civil Procedure 30 of Venanzio Fonte, president of plaintiff Dynamic Machine Works, Inc. ("Dynamic") and Kevin McGinley, an employee of Dynamic. True and correct copies of the transcripts of these depositions are attached hereto as Exhibit A and B.

4. On June 21, 2004 the defendant took the deposition of Norman Crepeau, treasurer of MECI pursuant to Federal Rule of Civil Procedure 30. A true and correct copy of the transcript of the deposition of Mr. Crepeau is attached as Exhibit C.

Signed under the pains and penalties of perjury on this 12th day of October 2004.

/s/ Jeffrey D. Clements

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